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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,265	09/19/2003	Thomas J. Hartle	125855-2	6052

23413 7590 01/22/2008  
CANTOR COLBURN, LLP  
20 Church Street  
22nd Floor  
Hartford, CT 06103

EXAMINER
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CHEUNG, WILLIAM K

ART UNIT	PAPER NUMBER
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1796

MAIL DATE	DELIVERY MODE
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01/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/667,265

Applicant(s)

HARTLE ET AL.

Examiner

William K. Cheung

Art Unit

1796

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 26 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

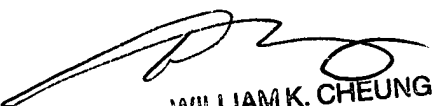
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: none.  
Claim(s) objected to: none.  
Claim(s) rejected: 1-8, 10-20 and 22-45.  
Claim(s) withdrawn from consideration: none.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☒ Other: Attachment: <http://www.ides.com/grades/ds/E913.htm>.

  
WILLIAM K. CHEUNG  
PRIMARY EXAMINER

1/17/08

Continuation of 11. does NOT place the application in condition for allowance because: Regarding Applicants' argument that the examiner can only apply "inherency" in a 102 rejection, not in a 103 rejection, applicants fail to recognize that the examiner can apply "inherency" when an issue is related to a materials and their corresponding properties. Regarding the instant application, Sobajima et al. (col. 8, line 46-51) clearly teach a class of styrene-butadiene copolymers that are commercially available. In view that the such commercially readily available materials are available at various amount of styrene content, the examiner has a reasonable basis that the claimed amount of alkenyl aromatic content of 40 to 90 weight percents are inherently possessed in Sobajima et al. Regarding applicants' disagreement in the inherency set forth, the examiner has attached a readily available product specification on SBS block copolymers obtained from <http://www.ides.com/grades/ds/E913.htm> to show a SBS copolymer having 40 mole percent of styrene content, which clearly meets the claimed content. Regarding applicants' argument that Sobajima et al. and Chao et al. are not combinable, applicants fail to recognize that both references are related to the fabrication of parts for the cars. Regarding applicants' argument that the recited "interior" in Sobajima et al. is referred to "vehicle interior" of a car in view of Chao et al. (col. 3, line 28), the examiner disagrees. Applicants must recognize that each of the references cited has their own way of defining terms. Although Chao et al. defines "vehicle interior" as the compartment where the passengers sit, however, the definition in Chao et al. can not be used to define the recited "interior" of Sobajima et al. because Sobajima et al. only divide the parts of an automobile into "exterior" and "interior" parts, while Chao et al. divide the parts of an automobile into much more components than Sobajima et al. Because Sobajima et al. only divide the parts into "exterior" and "interior" parts, the examiner has a reasonable basis to believe that the "exterior" parts are the parts that are exposed to constant weathering, while the "interior" parts do not. In view of the reasons set forth above, the examiner has a reasonable basis to maintain the rejection set forth on September 26, 2007.



1/17/08

WILLIAM K. CHEUNG  
PRIMARY EXAMINER



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## Finaprene 414 - TOTAL PETROCHEMICALS - Styrene Butadiene Styrene Block Copolymer

Please [login](#) or [register](#) to view the full datasheet.

Finaprene 414 by TOTAL PETROCHEMICALS is a SBS (Styrene Butadiene Styrene Block Copolymer) plastic material.

### General Information

#### Product Description

Butadiene/Styrene Ratio = 60/40

Block Styrene % = 40

*molar ratio*

#### General

Material Status	• Commercial: Discontinued
Availability	• North America
Test Standards Available	• ASTM
Features	• Sterilization, Radiation
Uses	• Adhesives • Footwear • Plastics Modification
Appearance	• White
Forms	• Granules

### Other Information for this Plastic

#### How to Access the Full Plastic Material Data Sheet for this Grade

The information presented on this page is just a summary for this plastic material. The full plastic data sheet containing additional general information, technical properties, and processing specifications is available from IDES. [Click here to register for free access](#). After registering, you'll have immediate access to more than 71108 full plastic material data sheets from 613 global resin suppliers.

#### Agency Rating

This plastic material has 1 certifications from the following agencies (the number in parentheses shows the number of certifications for that agency): FDA (1). This is just a summary of complete data available in IDES' [Prospector](#).

#### Features (Alternate Representations)

Radiation Sterilizable, Radiation Sterilization, gamma sterilization, gamma sterilizable.

#### Uses (Alternate Representations)

Plastics Modification, Plastic Modification.

#### Spelling Variations

The terms listed below may be used to identify this product. They are provided to assist you in finding pertinent documentation from supplier and non-supplier sources. They are included for informational purposes only, and are typically NOT representations that have been specified by the supplier. Possible spelling variations for terms related to this product are:

Finaprene414, Finaprene , Styrene Butadiene Styrene Block Copolymer, StyreneButadieneStyreneBlockCopolymer, SBS, Thermoplastic Elastomer, ThermoplasticElastomer, TPE, Total Petrochem



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The information presented on this plastic material data sheet was acquired by IDES from various sources, including the manufacturer of the resin and recognized testing agencies. In some cases, plastic material updates have been integrated directly into the IDES Plastics Database by the resin manufacturer utilizing the IDES Data Maintenance Tool. IDES makes substantial efforts to assure the accuracy of this plastics data. However, IDES assumes no responsibility for the data values and urges that upon final plastic material selection, data points are validated with the resin manufacturer.